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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/076,675

02/15/2002

Thomas C. Shaw

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05/17/2005

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EXAMINER

DUNCAN, MARC M

ART UNIT

PAPER NUMBER

2113

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/076,675

**Applicant(s)**

SHAW, THOMAS C.

**Examiner**

Marc M. Duncan

**Art Unit**

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9, 14-23 and 29-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 14-23 is/are allowed.
- 6) ☒ Claim(s) 29-31 and 33-35 is/are rejected.
- 7) ☒ Claim(s) 32, 36 and 37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**FINAL REJECTION**

***Status of the Claims***

Claims 29-31 and 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Bressoud et al.

Claims 1-9 and 14-23 are allowed.

Claims 32 and 36-37 are objected to.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29-31 and 33-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Bressoud et al.

Regarding claim 29:

Bressoud teaches controlling an event around operating system processing thereof in the Abstract lines 6-10 and col. 2 lines 51-54.

Bressoud teaches wherein the controlling comprises facilitating intercepting of the event by a test tool after processing thereof by the system and before return to an internal system invoker of the system event processing, the invoker being other than the test tool in the Abstract lines 6-10 and col. 2 lines 51-54. The replica supervisor of Bressoud is equivalent to a test tool as claimed by applicant because the replica

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supervisor performs all functions of the test tool as claimed. Further, the replica supervisor does not invoke the system event; it merely intercepts and controls it.

Regarding claim 30:

Bressoud teaches wherein the controlling further comprises facilitating intercepting of the event by the test tool both before and after processing thereof by the operating system in the Abstract lines 6-10 and col. 2 lines 51-54. The replica supervisor intercepts both the calls to the operating system to process the event and the results that are being returned after the event is processed.

Regarding claim 31:

Bressoud teaches wherein the event comprises an intercepted event within the operating system in the Abstract lines 6-10 and col. 2 lines 51-54. The event is intercepted and is therefore an intercepted event.

Regarding claim 33:

Bressoud teaches wherein the intercepting by the test tool facilitates validation of operating system processing of the event in col. 2 lines 44-47 and col. 3 lines 20-29.

Regarding claim 34:

Bressoud teaches wherein the event comprises an operating system managed event in col. 3 lines 20-29. The event is being managed by the operating system and therefore meets the broadest reasonable interpretation of applicant's claimed operating system managed event.

Regarding claim 35:

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Bressoud teaches wherein the controlling further comprises allowing an indication prior to operating system processing of the event whether control is to pass to the test tool after processing thereof in col. 3 lines 20-29. This function is inherent to the teachings of Bressoud. Control is returned to the replica supervisor after processing of the event and therefore allowing an indication that control is to return to the replica supervisor is necessarily present.

### ***Response to Arguments***

Applicant's arguments filed 3/8/05 have been fully considered but they are not persuasive.

In response to applicant's arguments regarding claims 29-31 and 33-35, the examiner respectfully disagrees. Applicant's amendments to claims 29-31 and 33-35 do not contain any mention of an internal operating system invoker, contrary to applicant's assertion. Consequently, the rejection of claims 29-31 and 33-35 is maintained.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc M. Duncan whose telephone number is 571-272-3646. The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on 571-272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

md

  
**ROBERT BEAUSOLIEL**  
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